

Notice of Allowability	Application No.	Applicant(s)
	10/004,463	MOON ET AL.
	Examiner	Art Unit
	Allan Olsen	1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to filings of 11/02/2001.
2.  The allowed claim(s) is/are 1-3 and 24-29.
3.  The drawings filed on 02 November 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a)  The translation of the foreign language provisional application has been received.
6.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8.  CORRECTED DRAWINGS must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1)  hereto or 2)  to Paper No. \_\_\_\_\_.
  - (b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.
5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____.	6 <input type="checkbox"/> Examiner's Amendment/Comment
7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance
	9 <input type="checkbox"/> Other

Allan Olsen  
Primary Examiner  
Art Unit: 1763

## DETAILED ACTION

### *Allowable Subject Matter*

Claims 1-3 and 24-29 are allowed.

The following is an examiner's statement of reasons for allowance: The claims are directed a method of making a MEMS devices wherein the method relies upon a latent masking technique. The method includes providing an oxide coating to the front and back of a silicon substrate. Then providing a patterned resist layer over the oxide on one side of the substrate and transferring the pattern of the resist into the oxide by etching the oxide through the patterned resist layer. The patterned oxide is now patterned so that it may function as a mask layer for the etching of the underlying silicon substrate. However, before using the patterned oxide mask to etch the silicon substrate the method requires that at least one additional process step be carried out and the addition al process step(s) are not to change the dimensions of the patterned oxide mask layer. Then the mask is used and the pattern of the oxide mask is transferred to the underlying substrate such that the planar dimensions of the oxide mask are replicated in the silicon substrate.

Yoneda (6,165,907) teaches a process, as shown in figures 12 A- 12I, in which substrate having a multi-layered mask is etched. Layer 62 may be consider a latent mask in that it is present in figure 12 A but intervening steps 12 B-12G take place before it function as a mask. However, the planar dimensions of not one of the masking layers are transferred into the substrate.

Likewise, Hawkins (5,006,202) teaches a process wherein layer 34 of fig. 3 is patterned but it does not fulfill its role as a mask until the step depicted in fig. 9., and when it does function as a mask the planar dimensions are not transferred into the substrate.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Olsen whose telephone number is 703-306-9075. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Mills, can be reached on 703-308-1633.

The general fax numbers for TC1700 are 703-872-9310 (non-after finals) and 703-872-9311(after-final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Allan Olsen, Ph.D.  
September 30, 2003

